

SPONSOR'S  
VIEW

(cont'd): worry about them having to pay a little more when they are convicted. Regarding the cost to the state for transcripts on appeal, the bill includes no actual appropriation for that purpose. The Legislature would have decided how much to appropriate in future biennia to pay for the transcripts of indigent defendants.

NOTES: See SB 12 by Short in this report. The HSG analyses of HB 1143 appeared in the April 28 and May 30, 1981, Daily Floor Reports.

Registration of livestock brands  
(HB 1550 by Patterson)

DIGEST: The bill specified that all livestock brands and marks must be re-registered in 1981, 1990, and every 10 years thereafter. It required that all brands and marks on record with a county clerk as of Jan. 1, 1981, would have to be re-registered by Feb. 28, 1982, in order to remain in effect. To re-register brands, livestock owners must apply between Jan. 1 and May 31 of the "year in which re-registration is required."

GOVERNOR'S  
REASONS

FOR VETO: The livestock industry and county clerks have shown that the provisions for the timing of brand re-registration for 1981 will cause confusion. Other provisions of HB 1550 may be helpful in 10 years when we have another re-registration. For now, we should stay with the current system of re-registration.

SPONSOR'S  
VIEW:

The sponsor agrees that the dates for 1981 brand re-registration were confusing. The deadline for applications to re-register brands should have been Feb. 28, 1982, not May 31, 1981. He intends to clear up the wording with regard to dates and re-submit the bill in the next regular session.

Revising the Open Meetings Law  
(HB 1555 by Adkisson)

DIGEST: HB 1555 would have allowed any person to commence action by mandamus or injunction to stop, prevent, or reverse violations of the Open Meetings Act by members of a governing body. If such action were successful, the person could recover attorney fees and other costs. The bill would have required governmental bodies to prepare minutes of all meetings and to make these available for public inspection. Cases of "emergency and urgent public necessity," when less than 72 hours' notice of the meeting may be given, would have been defined as 'imminent threats to public health and safety and

## DIGEST

(cont'd):

unforeseeable situations requiring immediate action by the governmental body." Two hours notice of such meetings would have been required.

### GOVERNOR'S REASONS FOR VETO:

The state should not allow any person to file suit against a governing body. Only "interested" persons should be granted this privilege. Innocent third parties who are awarded government contracts could be harmed if such actions were suddenly reversed or voided. The bill makes no provision for appropriations to governmental bodies to pay attorney fees. The bill would only encourage litigation, add to already overcrowded court dockets, and unnecessarily hamstring governmental bodies all over the state. In addition, endless court actions against governmental bodies would discourage citizens from serving in volunteer posts. Present law provides sufficient protection for the public's right to know what governing bodies are doing.

### SPONSOR'S VIEW:

Rep. Adkisson called Governor Clements' reasons for vetoing this bill "pure poppycock." He said the Governor exaggerated the possibilities of what could happen under the present law and applied them as reasons against HB 1555. The capacity for anyone to sue is already there. Citizens in volunteer governmental posts are already subject to suits. Open government is important. Any taxpayer who disapproves of a governmental action should be able to file suit without having to prove direct interest. "Emergency" should be clearly defined so that the public has adequate notice of meetings. Minutes of meetings should be available for public inspection. This discourages political favors and questionable actions. Public business should be conducted in public.

### NOTES:

Last session, Governor Clements vetoed a similar bill, SB 1025, because it made no provision for appropriations to governmental bodies to pay attorney fees and other costs of litigation.

### Expired motor vehicle registration (HB 1616 by Barrientos)

#### DIGEST:

Under this bill a person would not have been guilty of expired registration of a motor vehicle until after the fifth day after the expiration date.